

MACCH Continuum of Care APPEALS PROCESS

Rev. 2019

Background

In its role as the Collaborative Applicant for the Continuum of Care Notice of Funding Availability (NOFA) competition of the U.S. Department of Housing and Urban Development (HUD), MACCH will ensure a consistent appeals policy and procedure. This will incorporate equitable stakeholder participation regarding this NOFA while also ensuring a transparent process of leadership for MACCH as the Collaborative Applicant.

From time to time, applicants may believe their application was not fairly evaluated for purpose of project selection, scoring, ranking, and tiering. Recognizing the potential for human error to occur in this process and in compliance with HUD requirements, MACCH has developed the following policy and process to provide a mechanism for applicants to appeal recommendations under certain circumstances.

An appeal can only be made by an applicant regarding the scoring of its own application. An applicant may file an appeal with MACCH based upon a claim that one or both of these apply:

- a. The reviewers (meaning MACCH staff and/or consultants) overlooked critical information about the project contained within the application and/or submitted scorecard that would have caused the project to meet the annually defined threshold and/or be scored higher. No additional (meaning new) information may be submitted.
- b. There is evidence of lack of fairness in evaluating and scoring the application. Evidence of lack of fairness will be considered and reviewed on a project by project basis.

If an applicant agency believes the above to be applicable with regards to their application the agency may file an appeal in writing via email to the MACCH executive director and MACCH board president.

Process and Timeline

MACCH will establish and publish a timeline outlining project application deadlines. Per HUD requirements, applicant organizations will be informed no less than 15 calendar days, or as otherwise defined in the NOFA, prior to the NOFA deadline regarding whether their project application would be included as part of the CoC Consolidated Application submission. Unless otherwise specified in written competition materials, appeals shall be due within seven (7) calendar days after announcement by MACCH of initial project selection, scoring, ranking, and tiering.

An appeal must be in the form of a letter on the applicant agency's letterhead and must clearly state the reasons for the appeal and specify all issues being contested. During the appeal process following a funding decision, the applicant may clarify information contained in the application and/or scorecard. No new information may be provided for consideration.

Appeals Committee

The MACCH Board Executive Committee shall appoint three non-conflicted stakeholders to an Appeals Committee, which shall review all appeals. The Appeals Committee shall include three MACCH Board members who do not represent a homeless services agency, receive funding from HUD, NHAP or ESG or have any other identified conflicts of interest with the HUD NOFA process. One member of the Appeals Committee shall be designated as its chair. A date to review relevant information and an appeals meeting will be scheduled and posted as part of the 2019 NOFA Timeline.

Process to be followed:

Prior to the hearing, a package of related information will be compiled by MACCH and distributed to the Appeals Committee and appellant. This package shall include the original written appeal request, original funding application/scorecard as well as all written information that all parties including the appellant believe to be helpful to those hearing the appeal. The written material submitted will be the primary basis for the appeal decision.

Review:

The appeals review date and time shall be set by the Chair of the Appeals Committee, making every attempt to find a mutually agreeable time. **Although any staff, board members, clients or other interested parties may assist with compiling information included in the written appeal, the appellant shall be limited to one spokesperson to articulate its appeal at the review meeting. Similarly, MACCH must designate one member to speak on its behalf.**

The process for the appeals meeting will be as follows:

<u>Agenda</u>	<u>Individual Responsible</u>	<u>Timeframe</u>
Overview of the process	Chair	5 minutes
Introduction of participants	All involved	3 minutes
Appeals Committee	Committee designee	< 15 minutes
Appeal Requestor	Appeal designee/requestor	< 15 minutes
Questions of Appeals Committee	All involved	< 20 minutes

The Appeals Committee will then meet immediately to review the facts presented. Though the ensuing discussion is limited to the Appeals Committee members, appellant and Continuum of Care Committee participants may be asked to remain available and may be asked additional questions of clarification during the deliberation process.

The Appeals Committee shall provide the MACCH Board with a written explanation of their decision within 48 hours. The MACCH Board will review the decision and will provide final approval of the decision. Any scoring changes and subsequent award amount recommendations shall be made by MACCH upon being informed of said changes by the chair of the Appeals Committee. The agency filing the appeal will be notified of the decision by the Appeals Committee and any changes shall then be forwarded to all Continuum of Care-funded projects.

Appeal to HUD

If the concerns of the applicant agency are not satisfied through the above described process, the agency may appeal the CoC's decision to HUD if the applicant agency believes it was denied the opportunity to participate in the local CoC planning process in a reasonable manner by submitting a Solo Application in e-snaps directly to HUD prior to the NOFA deadline.